

SEP 15 2004

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9-15-2004
Date

Rebecca R. Ginn

In re Application of:

WARREN E. BAXLEY

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Examiner: Tri H. Pham

Examiner phone:

571-272-3074

Serial No: 10/696,376

Group Art Unit: 2661

Filed: Nov. 12, 2003

Title: Large-Scale, Fault Tolerant
Audio Conferencing Over
a Hybrid Network

Atty. Dkt: 199-0247US-C

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria VA, 22313-1450

Pursuant to Rule 3.73(b) and Rule 1.321, I, Terril G. Lewis, represent that I am an authorized attorney of record for the above-referenced application as evidenced by a Power of Attorney submitted herewith, and therefore authorized to act on behalf of the Assignee. The Assignee of record for the above-referenced application is Polycom, Inc., who owns a 100% interest in the above-referenced application as evidenced by the assignments recorded on 10/25/99 (Reel/Frame 010353/0040), 8/29/01 (Reel/Frame 012134/0582), and 3/12/04 (Reel/Frame 014420/0633).

The Assignee hereby agrees that any part of the statutory term of any patent granted on the above-referenced application that extends beyond the expiration date of U.S. Patent No. 6,657,975 (the '975 patent), as measured in accordance with 35 U.S.C. §§ 154-56, 173 and with respect to any terminal disclaimer filed with respect to the '975 patent (the "expiration date of the '975 patent"), is hereby disclaimed, except as provided below. It is agreed that any patent granted on the above-referenced application shall be enforceable only for and during such period that any such granted patent is commonly owned with the '975 patent. It is further agreed that this terminal disclaimer applies to any patent granted on the above-referenced application and is binding upon any grantee and/or its successors or assigns.

However, the Assignee does not disclaim any part of the statutory term of any patent granted on the above-referenced application that extends to the expiration date of the '975 patent, in the event that, before the expiration date of the '975 patent, the '975 patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims canceled by reexamination certificate; or is reissued in any manner.



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